

paternal uncle. She took the quarrel to Siaton municipio and the chief of police advised her to retain the land during her lifetime. One informant's brother's wife died and her husband retained his deceased mate's fields in Datag. A Dumaguete lawyer informed the husband, however, that he could enjoy usufruct of the land only until his death. Then his wife's property would go to her brothers and sisters since she had no children. There were several cases in which heirs took to court in Siaton the attempt of a childless remarried sister- or brother-in-law to sell a deceased mate's property—an illegal procedure.

428

Legitimate and Illegitimate Children as Heirs

The Philippine Civil Code of 1949 states that legitimate children and their descendants succeed to the parents and other ascendants, without distinction as to sex or age, even if they were derived from different marriages.¹¹ This Code was revised recently (1951); illegitimate children are now legally entitled to an equal share in a parent's property. However, before this revision in Caticugan the illegitimate children of fathers rarely inherited unless "they served their fathers," i.e., helped him with his work, cared for him

428
848

¹¹Robert S. Hardie, Philippine Land Tenure Reform: Analysis and Recommendations. Manila, Special Technical and Economic Mission, Mutual Security Agency, 1952, p. 67.

during sickness, etc. On the other hand, children born out of wedlock always received the same share of their mother's properties as her legitimate children.

428
848

Some barriofolk in Caticugan explained that a mother's illegitimate child is always her child regardless of the circumstances of its birth whereas a father can always deny the child is his. Illegitimate children are normally raised by the mother; the bonds of affection and devotion are closer for the mother than the father. In Siaton poblacion I know of one unmarried woman, who purposely had a liaison with another man in order to have a child to care for her during her old age.

An illegitimate boy and girl lived in Barrio Caticugan with their deceased mother's two spinster sisters; their father resided a dozen houses away. Since they were not "serving" their unmarried father, on his death his property was to be inherited by his brothers and sisters. Another old man (an illegitimate child himself) died in Barrio Caticugan during my residence. On his death-bed he told his eldest son to see that his "pet" (favorite) illegitimate daughter, who lived with her unmarried mother in Siaton poblacion, inherited some of his land when his son died. Most barriofolk doubted that the son would remember his father's wish for he had several children. Sometimes it was reported that "a father may

take pity on his illegitimate children" and leave them some of his property. Yet they rarely, if ever, received an equal share with other heirs.

428
848 ●

There are a number of hazards for a father who wishes to leave his property to an illegitimate child. A man in Barrio Caticugan gave his illegitimate son (who, by the way, had not "served" him) a parcel of land. When he died the brother and sister who had cared for him during his last sickness took the land away from the illegitimate son. The son brought the dispute to Siaton Municipio; since he had no legal documents to show that the land was given him it reverted to his father's brothers and sisters.

Another case of a property dispute involving illegitimate children was brought to the municipio from Barrio Canaway. A man and woman living as common-law husband and wife had a son and daughter. Later they separated and never were reconciled. On the man's death his brother and sister sold his land but refused to share the money with his two illegitimate children. The children presented their case in the Siaton court; the judge ruled against them since they were illegitimate children and the father had died before Philippine Civil Code revision.